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9 **BEFORE THE**  
10 **BOARD OF REGISTERED NURSING**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-222

13 ADRIAN RODRIGUEZ  
74143 College View Circle E  
14 Palm Desert, CA 92211

**A C C U S A T I O N**

15 Registered Nurse License No. 495304

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs.

23 2. On or about August 31, 1993, the Board of Registered Nursing issued  
24 Registered Nurse License Number 495304 to Adrian Rodriguez (Respondent). The Registered  
25 Nurse License expired on December 31, 2008, and has not been renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Registered Nursing  
3 (Board), Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 2750 of the Business and Professions Code (Code) provides, in  
6 pertinent part, that the Board may discipline any licensee, including a licensee holding a  
7 temporary or an inactive license, for any reason provided in Article 3 (commencing with section  
8 2750) of the Nursing Practice Act.

9 5. Section 2764 of the Code provides, in pertinent part, that the expiration of  
10 a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding  
11 against the licensee or to render a decision imposing discipline on the license. Under section  
12 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within  
13 eight years after the expiration.

14 **STATUTORY PROVISIONS**

15 6. Section 2761 of the Code states:

16 The board may take disciplinary action against a certified or licensed nurse  
17 or deny an application for a certificate or license for any of the following:

18 (a) Unprofessional conduct, which includes, but is not limited to, the  
19 following:

20 . . . .

21 (f) Conviction of a felony or of any offense substantially related to the  
22 qualifications, functions, and duties of a registered nurse, in which event the  
23 record of the conviction shall be conclusive evidence thereof.

24 . . . .

25 7. Section 2765 of the Code states:

26 A plea or verdict of guilty or a conviction following a plea of nolo  
27 contendere made to a charge substantially related to the qualifications, functions  
28 and duties of a registered nurse is deemed to be a conviction within the meaning  
of this article. The board may order the license or certificate suspended or  
revoked, or may decline to issue a license or certificate, when the time for appeal  
has elapsed, or the judgment of conviction has been affirmed on appeal or when  
an order granting probation is made suspending the imposition of sentence,  
irrespective of a subsequent order under the provisions of Section 1203.4 of the  
Penal Code allowing such person to withdraw his or her plea of guilty and to enter

1 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the  
2 accusation, information or indictment.

3 8. Section 490 of the Code provides, in pertinent part, that a board may  
4 suspend or revoke a license on the ground that the licensee has been convicted of a crime  
5 substantially related to the qualifications, functions, or duties of the business or profession for  
6 which the license was issued.

7 9. Section 493 of the Code states:

8 Notwithstanding any other provision of law, in a proceeding conducted by  
9 a board within the department pursuant to law to deny an application for a license  
10 or to suspend or revoke a license or otherwise take disciplinary action against a  
11 person who holds a license, upon the ground that the applicant or the licensee has  
12 been convicted of a crime substantially related to the qualifications, functions, and  
13 duties of the licensee in question, the record of conviction of the crime shall be  
14 conclusive evidence of the fact that the conviction occurred, but only of that fact,  
15 and the board may inquire into the circumstances surrounding the commission of  
16 the crime in order to fix the degree of discipline or to determine if the conviction  
17 is substantially related to the qualifications, functions, and duties of the licensee in  
18 question.

19 As used in this section, "license" includes "certificate," "permit,"  
20 "authority," and "registration."

### 21 REGULATORY PROVISIONS

22 10. California Code of Regulations, title 16, section 1444 states:

23 A conviction or act shall be considered to be substantially related to the  
24 qualifications, functions or duties of a registered nurse if to a substantial degree it  
25 evidences the present or potential unfitness of a registered nurse to practice in a  
26 manner consistent with the public health, safety, or welfare. Such convictions or  
27 acts shall include but not be limited to the following:

28 (a) Assaultive or abusive conduct including, but not limited to, those  
violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration  
pursuant to Section 290 of the Penal Code.

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///

1 11. California Code of Regulations, Title 16, section 1445 states:

2 ....

3 (b) When considering the suspension or revocation of a license on the  
4 grounds that a registered nurse has been convicted of a crime, the board, in  
evaluating the rehabilitation of such person and his/her eligibility for a license will  
5 consider the following criteria:

6 (1) Nature and severity of the act(s) or offense(s).

7 (2) Total criminal record.

8 (3) The time that has elapsed since commission of the act(s) or  
offense(s).

9 (4) Whether the licensee has complied with any terms of parole,  
10 probation, restitution or any other sanctions lawfully imposed against the licensee.

11 (5) If applicable, evidence of expungement proceedings pursuant to  
Section 1203.4 of the Penal Code.

12 (6) Evidence, if any, of rehabilitation submitted by the licensee.

13 **COST RECOVERY**

14 12. Section 125.3 of the Code provides, in pertinent part, that the Board may  
15 request the administrative law judge to direct a licensee found to have committed a violation or  
16 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
17 and enforcement of the case.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(February 21, 2008 Criminal Conviction for Robbery on October 31, 2007)**

20 13. Respondent has subjected his license to disciplinary action under sections  
21 490 and 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is  
22 substantially related to the qualifications, functions, and duties of a registered nurse. The  
23 circumstances are as follows:

24 a. On or about February 21, 2008, in a criminal proceeding entitled  
25 *People of Colorado v. Adrian Rodriguez*, in Montezuma County District Court, Case No.  
26 D0422007CR00028, Respondent was convicted on his plea of guilty for violating Colorado  
27 Revised Statutes, article 18-4-301(1), robbery, a Class 4 felony.

28 ///

1                   b.       As a result of the conviction, on or about February 21, 2008,  
2 Respondent was sentenced to six (6) years in state prison with credit for 83 days served, and 36  
3 months parole upon release. Respondent was assessed restitution in the amount of \$569.00. The  
4 court also recommended Respondent undergo substance abuse treatment and mental health  
5 counseling while incarcerated.

6                   c.       The circumstances that led to the conviction were that in or about  
7 the late evening of October 31, 2007, a Montezuma County (Colorado) Sheriff's Deputy was  
8 summoned to the Southwest Memorial Hospital for a male subject who entered the emergency  
9 room with gun shot wounds to his legs. According to the victim, a green RAM truck with large,  
10 distinctive chrome wheels followed him to his residence. The victim got out of his vehicle and  
11 started walking towards his residence. The assailant (Respondent), who was wearing all black  
12 clothing, got out of his truck, came up from behind and told the victim "Give me your money or  
13 I'll kill you" in Spanish. The victim told Respondent he did not have any money. Respondent  
14 shot the victim in the right leg with a shot gun. Respondent again demanded money and the  
15 victim attempted to get away, telling Respondent he did not have any money. Respondent shot  
16 the victim in the left leg. The victim said he could hear a female voice from inside Respondent's  
17 truck. After shooting at the victim's residence several times, Respondent got back into his truck  
18 and drove away.

19                   d.       The following day, on or about November 1, 2007, based on an  
20 informant's tip, deputies were directed to Respondent's residence. From a distance, they  
21 observed Respondent, who was wearing all black clothing, and a female hurriedly loading a dark  
22 green Chevy Tahoe with large shiny rims and a travel trailer that was hooked to the Tahoe. The  
23 deputies stopped the vehicle and travel trailer shortly after it departed the residence and  
24 Respondent and his female companion were taken into custody. During a search of  
25 Respondent's Chevy Tahoe, deputies found a loaded Ruger pistol, and a Colt semi-automatic  
26 pistol; inside Respondent's travel trailer was a loaded Mossberg shotgun with rounds that were  
27 the same size, shape, color, and brand as the casings found at the crime scene. Also found inside  
28 the trailer was a Fender acoustic guitar belonging to "Jingles" that was confirmed stolen in a

1 separate, earlier residential burglary on October 31, 2007. The tire treads on the Tahoe matched  
2 the tire tracks at the crime scene. The next day, a search was conducted of Respondent's  
3 residence. Inside a trash can they found a used syringe and shot gun shell casings matching those  
4 at the crime scene. Respondent's female companion was questioned and she confessed that she  
5 and Respondent had gone to the residence of "Jingles" to steal his methamphetamine stash, but  
6 could not find any drugs. The guitar was stolen instead. She also told deputies that later the  
7 same evening, Respondent had gone to the shooting victim's trailer looking for drugs, but could  
8 not find any. Respondent waited for the victim to come home, then confronted him in the  
9 driveway. After shooting the victim, the victim ran into his trailer. Respondent shot several  
10 rounds into the trailer, then picked up his shell casings.

11 e. Subsequent to Respondent's arrest, deputies were informed by one  
12 of Respondent's co-conspirators that Respondent had contacted her a week prior to the October  
13 31, 2007 incident and told her that he had taken care of some business in Arizona and had to get  
14 rid of all his guns because of it. Based upon items found in Respondent's travel trailer  
15 connecting him to a person in Arizona, the Montezuma County Sheriff's Office contacted the  
16 Tempe Police Department. The Tempe Police Department said that Respondent was a suspect in  
17 a shooting where the victim was shot in the legs with a .380 caliber pistol. The suspect also  
18 drove a dark green Chevy Tahoe with large shiny rims.

#### 19 SECOND CAUSE FOR DISCIPLINE

#### 20 **(February 23, 2009 Criminal Conviction for Aggravated Assault on October 20, 2007)**

21 14. Respondent has subjected his license to disciplinary action under sections  
22 490 and 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is  
23 substantially related to the qualifications, functions, and duties of a registered nurse. The  
24 circumstances are as follows:

25 a. On or about February 23, 2009, in a criminal proceeding entitled  
26 *State of Arizona v. Adrian Rodriguez*, in Maricopa County Superior Court, Case No. CR2008-  
27 030586-001 SE, Respondent was convicted on his plea of guilty for violating Arizona Revised  
28 Statutes section 13-1204, subdivision (A)(2)(B), et al., aggravated assault, a Class 3 felony.

b. As a result of the conviction, on or about February 23, 2009, Respondent was sentenced to seven and a half (7.5) years in state prison, with credit for 146 days, to be served in Arizona concurrent with the sentence imposed in the Colorado court (see paragraph 13, above). Respondent was ordered to pay restitution to his victims (individual and business) in the combined amount of \$16,197.70.

#### **AGGRAVATING FACTORS**

15. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about January 5, 1992, in a prior disciplinary proceeding entitled *In the Matter of the Statement of Issues Against Adrian Rodriguez*, before the Board of Registered Nursing, Department of Consumer Affairs, OAH No. L-54319, the Board adopted a Decision of the Administrative Law Judge denying Respondent's November 8, 1990 application for licensure as a registered nurse for the following reasons:

a. On or about August 22, 1980, in a prior criminal proceeding entitled *People of the State of California vs. Adrian Rodriguez*, Riverside County Superior Court case no. ICR6843, Respondent was convicted on his plea of guilty to violating Penal Code section 246, shooting into an occupied dwelling, grounds for denial of licensure pursuant to sections 480, subdivision (a)(1). The acts were substantially related to the qualifications, functions and duties of a registered nurse as defined by California Code of Regulations, title 16, section 1444.

b. On or about February 26, 1986, in a prior criminal proceeding entitled *People of the State of California vs. Adrian Rodriguez*, Riverside County Municipal Court case no. 86175, Respondent was convicted of violating Penal Code sections 242 (battery) and 243 (battery of a peace officer), grounds for denial of licensure pursuant to sections 480, subdivision (a)(1). The acts were substantially related to the qualifications, functions and duties of a registered nurse as defined by California Code of Regulations, title 16, section 1444.

c. On or about November 8, 1990, Respondent signed his application for licensure as a registered nurse, certifying under penalty of perjury that the information contained in the application was true and correct. Respondent failed to declare his convictions,

1 as described above, which was grounds for denial of a license pursuant to section 480 of the  
2 Code (knowingly making a false statement of fact required to be revealed on the application).

3 **PRAYER**


4 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
5 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 495304, issued  
7 to Adrian Rodriguez;

8 2. Ordering Adrian Rodriguez to pay the Board of Registered Nursing the  
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
10 Professions Code section 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: 3/23/09

14  
15  
16   
RUTH ANN TERRY, M.P.H., R.N.  
17 Executive Officer  
Board of Registered Nursing  
18 Department of Consumer Affairs  
State of California  
19 Complainant  
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BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of )  
Issues Against: )

ADRIAN RODRIGUEZ )  
41-443 Maroon Town, No. 2 )  
Bermuda Dunes, California 92201 )

Respondent. )

Case No. 91-116

OAH No. L-54319

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Registered Nursing as its Decision in the above-entitled matter.

This Decision shall become effective on January 5, 1992 - .

IT IS SO ORDERED December 4, 1991 .

By: /s/ Joyce Boone, R.N.

JOYCE BOONE, R.N.  
President

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of	)	
Issues Against:	)	Case No. 91-116
	)	
ADRIAN RODRIGUEZ	)	OAH No. L-54319
41-443 Maroon Town, No. 2	)	
Bermuda Dunes, CA 92201	)	
	)	
Respondent.	)	
	)	

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PROPOSED DECISION

On September 20, 1991, in San Diego, California, Vallera J. Johnson, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Anthony M. Summers, Deputy Attorney General, represented complainant.

Respondent was present and represented himself.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

On June 26, 1991, complainant, Catherine M. Puri, Executive Officer of the Board of Registered Nursing (Board), filed Statement of Issues, Case No. 91-116, in her official capacity against Adrian Rodriguez (respondent).

II

Respondent filed an application with the Board for licensure as a registered nurse, dated November 8, 1990.

On May 3, 1991, the Board denied respondent's application because: (1) he was convicted of shooting into an occupied dwelling in 1980, of two counts of battery in 1986; (2) respondent admitted that he had additional convictions; and, (3)

/  
/

respondent failed to disclose any of his convictions on his application.

Respondent appealed the Board's decision on May 13, 1991.

### III

On September 25, 1980, in the Superior Court of the State of California, County of Riverside, in the case of The People of the State of California v. Adrian Rodriguez, Case No. ICR-6843, having been convicted of a violation of Penal Code section 246, Shooting At An Occupied Dwelling, respondent was sentenced by the Court.

As a consequence of this conviction, the court ordered respondent placed on probation for a period of two years on condition that he:

- A. contribute 100 volunteer hours of community service, the service to be determined by the Probation Officer;
- B. violate no law or ordinance;
- C. not have any contact whatsoever with the victims during the period of probation;
- D. maintain gainful employment and use the monies derived therefrom for proper purposes;
- E. refrain from the excessive use of alcoholic beverages;
- F. submit to the immediate search of his person, automobile, garage, residence or yard for the detection of weapons;
- G. not own, possess or have under his control any firearm or deadly weapon during the period of probation; and
- H. report to the Probation Officer immediately for initial instructions and thereafter, report once each month in person or in writing or as otherwise directed by the Probation Officer, and abide by all reasonable directives of that Officer.

The facts and circumstances surrounding the conviction are that during this period of his life, respondent was involved in gang related activities. Though the parties involved in the

incident exchanged gunfire, no one was injured. The crime of which respondent was convicted was gang related.

#### IV

On December 31, 1985, in the Municipal Court of California, County of Riverside, in the case of The People of the State of California v. Adrian Rodriguez, Case No. 86175, respondent was convicted, of a violation of Penal Code sections 242/243, Battery and Battery of Peace Officer.

As a consequence of his conviction, the court ordered summary probation for a period of three years on condition that respondent obey all laws.

The facts and circumstances surrounding the conviction are that one evening when respondent came home drunk, his wife called the police. When the policemen arrived, respondent was involved in an altercation with the officers.

#### V

The crimes of which respondent was convicted, set forth in Findings III and IV, are substantially related to the qualifications, functions and duties of a licensee of the Board in that the convictions indicate respondent's propensity for violence and disregard for human life. These character traits can interfere with respondent's ability to carry out his duties as a registered nurse.

#### VI

By way of mitigation, respondent established that his convictions occurred as a result of his personal history. He acknowledged that he has been an alcoholic for many years. He had his first drink when he was 12 years old and was an alcoholic by the time that he was 13 years of age. His father was a functional alcoholic who has been sober since 1987, and his grandfather was also an alcoholic. Respondent testified that as a Mexican-American, he grew up in the barrio. His life was heavily influenced by alcohol and his involvement with the wrong people. Respondent characterized his early life as destructive and riddled with mistakes. Respondent's involvement in gang activities resulted in the conviction in 1980 set forth in Finding III.

In 1976 immediately upon graduation from high school, respondent entered the army. He served his country on active duty until 1979. Respondent was an inactive reservist for three years thereafter.

/

## VII

By way of rehabilitation, respondent's conviction in 1986 helped him realize that he needed to make a change in his life. It was at this time that respondent participated in an alcohol rehabilitation program at the Betty Ford Center followed by rehabilitation at various recovery homes and participation in Alcoholics Anonymous (AA). When respondent initially started attending AA, he attended seven days a week. At this time, respondent attends AA an average of three times a week.

Respondent readily acknowledged that he is an alcoholic and that his early life was full of mistakes and destructive behavior. Respondent is ashamed of and remorseful for his criminal behavior. He feels that he made mistakes, has paid for those mistakes and now seeks a better life for his wife, son and himself.

Through his personal efforts coupled with counseling, respondent has worked towards achieving greater self esteem, resolution of childhood conflicts, co-dependency, being the child of an adult alcoholic and his own alcoholism.

Respondent's goal is to help others by working in the field of medicine. His original goal was to be a heart surgeon.

In 1983, respondent successfully completed training to become an operating room technician. He has worked in that capacity at Eisenhower and John F. Kennedy Memorial Hospitals since completing the program.

Respondent has been in school since 1979 in one capacity or another. In January, 1991, he completed the major portion of the education and curriculum to become a registered nurse. Respondent has done a phenomenal amount of work in order to complete the nursing program in the last one and one-half years.

Among physicians, his supervisors, peers and patients, respondent is highly respected as a hard worker who is knowledgeable and does a commendable job.

Respondent is married; he and his wife have a son who is 14 months of age. In addition, respondent has three other children, ages 14, 9 and 2 1/2 years. Respondent pays child support for these children.

Respondent's wife and family have been very supportive of his efforts to obtain his education, license and maintain sobriety, and, in general, turn his life around.

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## VIII

Question 13(f) of the application submitted by respondent to the Board for licensure as a registered nurse, contains the following question:

"Have you ever... been convicted of any offense other than minor traffic violations? If yes, explain fully as described in applicant instructions. Convictions expunged under Sections 1203.4 and 1000 of the Penal Code must also be reported . . ."

Immediately above the applicant signature line are two paragraphs relating to convictions that provide, in pertinent part:

"I certify under penalty of perjury under the laws of the State of California that all information provided in connection with this application for licensure is true correct and complete. Providing false information or omitting required information is grounds of denial of licensure in California."

Respondent answered question number 13(f) by checking the marked "No" and failed to list the numerous offenses of which he has been convicted.

## IX

Respondent argues that he misunderstood the question. He did not carefully read the questions on the application as his greater concern was his inability to pay the \$127.00 application fee. He testified that he believed, based upon a discussion with his probation officer, that upon completion of summary probation that the conviction was dismissed. In addition, respondent was not aware of the consequence of failing to honestly include information on his application.

## X

In response to Board's inquiry regarding his answer to the question on his application about his convictions, respondent submitted a letter, dated March 24, 1991. In this letter, respondent again failed to disclose the 1986 conviction set forth in Finding IV. In the March 24th letter, respondent represented to the Board that he had been sober for over eight years and that he attended the Betty Ford Center in 1983. This representation is inconsistent with his testimony during the hearing. Respondent's documentary evidence established that he was a patient at the Betty Ford Center at Eisenhower Medical Center from January 6, 1986 to February 4, 1986. In addition, respondent testified that he has been sober since 1986.

/

Respondent submitted numerous letters of support from medical professionals with whom he has worked. Though these medical personnel are respectful of respondent's work in the field of medicine, they are unaware of respondent's conviction history. With the foregoing information, their support may remain the same. However, the letters submitted by respondent as evidence of support are not based upon a complete disclosure of who respondent is. Respondent's immediate supervisor at John F. Kennedy Memorial Hospital is aware of respondent's convictions, and he remains supportive of respondent's application for licensure.

Though respondent may be ashamed of and remorseful for his convictions, he has not been candid with the Board or with the community in which he works. Honesty is an essential character trait of a registered nurse.

#### DETERMINATION OF ISSUES

##### I

Cause exists to deny respondent a license pursuant to Business and Professions Code sections 480(a)(1) in that he has been convicted of crimes that are substantially related to the qualifications, functions and duties of a registered nurse by reason of Findings III, IV and V.

##### II

Cause exists to deny respondent a license pursuant to Business and Professions Code sections 480(a)(3) in that respondent committed acts which would constitute grounds for discipline against a licensee under Business and Professions Code sections 490 and 7123 by reason of Findings III and IV.

##### III

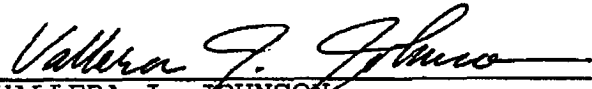
Cause exists to deny respondent a license pursuant to Business and Professions Code section 480(c) in that respondent failed disclose his convictions of crimes by reason of Findings III, IV and IX.

/

ORDER

The application of respondent, Adrian Rodriguez, for the issuance of license as a registered nurse is denied.

Dated: October 23, 1991

  
VALLERA J. JOHNSON  
Administrative Law Judge  
Office of Administrative Hearings

VJJ:ln



1 DANIEL E. LUNGREN, Attorney General  
of the State of California  
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5 Attorneys for Complainant

6  
7 BEFORE THE  
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8 DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA  
9

10 In the Matter of the Statement of Issues ) NO. 91-116  
11 Against: )  
12 ADRIAN RODRIGUEZ ) STATEMENT  
41-443 Maroon Town, No. 2 ) OF ISSUES  
13 Bermuda Dunes, CA 92201 )  
14 Applicant. )

15  
16 Catherine M. Puri, R.N., Ph.D., as causes for  
17 denial of respondent's application for licensure as a  
18 registered nurse, alleges:

19  
20 1. Complainant Catherine M. Puri, R.N., Ph.D.,  
21 makes and files this statement of issues in her official  
22 capacity as Executive Officer, Board of Registered  
23 Nursing, Department of Consumer Affairs.

24  
25 2. Under Business and Professions Code section  
26 2736, the Board of Registered Nursing may deny a license  
27 when it finds that the applicant has committed any acts

1 constituting grounds for denial of licensure under section  
2 480 of that code.

3 Under Business and Professions Code section  
4 480, the Board may deny a license when it finds that the  
5 applicant has been convicted of a crime, committed any act  
6 which if done by a licentiate would be grounds for  
7 suspension or revocation of the license, or knowingly  
8 made a false statement of fact required to be revealed  
9 on the application.

10

11 3. On or about November 8, 1990, the Board of  
12 Registered Nursing received an application for licensure  
13 in California as a registered nurse from Adrian Rodriguez.  
14 On November 8, 1990, Adrian Rodriguez certified under  
15 penalty of perjury that the information contained in the  
16 application was true and correct.

17

18 4. Grounds exist to deny respondent's  
19 application under Business and Professions Code section  
20 480(a)(1) in that he has been convicted of crimes  
21 substantially related to the qualifications, functions or  
22 duties of a registered nurse, as defined in Title 16,  
23 California Code of Regulations, section 1444, in the  
24 following respects:

25 a. On August 22, 1980, he was convicted by the  
26 Court on a plea of guilty of violating Penal Code section  
27 246 (shooting at an occupied dwelling) in the California

1 Superior Court, Riverside County, Indio Branch, case  
2 number ICR-6843, entitled People v. Adrian Rodriguez.

3 b. On February 26, 1986, he was convicted of  
4 violating Penal Code sections 242 (battery) and 243  
5 (battery of peace officer, emergency personnel, etc.) in  
6 the California Municipal Court, Riverside County, Indio  
7 Branch, case number 86175, entitled People v. Adrian  
8 Rodriguez.

9  
10 5. Grounds exist to deny respondent's  
11 application under Business and Professions Code section  
12 480(a)(3) in that he committed acts, as set forth in  
13 paragraph 4, which would constitute grounds for discipline  
14 against a licensee under Business and Professions Code  
15 sections 490 and 7123.

16  
17 6. Grounds exist to deny respondent's  
18 application under Business and Professions Code section  
19 480(c) in that on November 8, 1990, he certified that the  
20 answer to the following question was "no":

21 "Have you ever been convicted of any offense  
22 other than minor traffic violations?"

23 When, in fact, on August 2, 1980, and February 26, 1986,  
24 he was convicted of crimes substantially related to the  
25 qualifications, functions or duties of a registered nurse,  
26 as set forth in paragraph 4, supra.

27 ///

WHEREFORE, complainant prays that a hearing be held and that if the allegations set forth herein, or any of them are found to be true, that the application of Adrian Rodriguez for licensure as a registered nurse be denied.

DATED: June 26, 1991

*Catherine M. Purdy*  
CATHERINE M. PURDY R.N., Ph.D.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

**Complainant**

03579110-  
SD91AD0421  
(Judith A. Rose)